

2009 HOUSE HUMAN SERVICES

HB 1437

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1437

House Human Services Committee

☐ Check here for Conference Committee

Hearing Date: **January 26, 2009**

Recorder Job Number: 7701

Committee Clerk Signature



Minutes:

Chairman Weisz opened the hearing of HB 1437.

Representative Gary Kreidt, District 33, introduced the bill. This is in regard to the Board of Examiners for nursing home administrators for the State of ND. The Board, during the interim, reviewed their sections and Century Code items and felt they needed some cleaning up on the procedures and qualifications for licensure. There is new wordage to the Board's policy in Century Code in relation to licensing of nursing home administrators. Some moves in the new law would include a minimum fee for license fees. You pay \$150 annual renewal. In this law there is an option to increase that to \$250. Right now they feel there is no need to increase it but sometime in the future if they needed additional dollars it would allow them to do that. Another part of the change is under qualifications for licensure. This doesn't mean there are going to be any less educational requirements or less continuing education. Now you have to receive 20 hours annually to maintain your license. You need a college education to become a licensed nursing home administrator in the State of ND. Individuals who are presently licensed and worked in a state outside of ND and have the same educational requirements and qualifications to be an administrator of a nursing home and they want to come back to ND, presently they have to in some situations agree to write the exam again. This would allow

those individuals to become licensed as long as they receive their 20 hours of continuing education per year and not have them again go through taking the exam like a new individual coming on would have to do. You would continue to issue an emergency license for 90 days for facilities for which there is a change of administration until they are able to hire a qualified administrator. Another change would be the criminal history background checks. The board could require this if they so desire. This would be the responsibility of the applicant. That's pretty much the content of the bill.

Chairman Weisz: This seems to open up the latitude and broadens it dramatically for the board a lot greater than it was currently.

Representative Kreidt: Not as far as your educational requirements and your continuing education. Say you had worked in ND, moved out to MT, worked there for 3 years, got out of the business for a year, and then decided to come back to ND and apply for an opening. What the change here would do is allow those individuals just to pick up the continuing education hours again and to receive a license instead of going back and rewrite the exam. Those individuals are qualified and had been licensed and gone inactive. In ND you can go inactive for 5 years. You could come back and pick up your continuing education hours and receive your license. This would be similar to that.

Shelly Peterson, representing the ND Board of Examiners for Nursing Home

Administrators, testified in favor of the bill. **(Attachment 1)**

Chairman Weisz: Can you get a financial statement from the board?

Representative Hofstad: The penalty for not having a license I suspect is taken care under your administrative rules?

Peterson: I believe so.

There being no further testimony, Chairman Weisz closed the hearing of HB 1437.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1437

House Human Services Committee

☐ Check here for Conference Committee

Hearing Date: February 3, 2009

Recorder Job Number: 8525 2 min. 54 sec.

Committee Clerk Signature



Minutes:

Chairman Weisz: Let's look at HB 1437. Go from 150 to 250 per (inaudible).

Rep. Conrad motioned for a DO PASS.

Rep. Uglem seconded.

Roll Call Vote: 13 yes, 0 no, 0 absent.

HB 1437 has a DO PASS.

FISCAL NOTE
Requested by Legislative Council
03/20/2009

Amendment to: HB 1437

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Bill amends licensing provisions for licensed nursing home administrators. No fiscal impact because board expenditures are not appropriated.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

No fiscal impact because board expenditures are not appropriated.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

N/A

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

N/A

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

N/A

Name:	Bev Herman	Agency:	ND Board of Examiners for Nursing Home Administrators
Phone Number:	701-222-486	Date Prepared:	03/23/2009

FISCAL NOTE
Requested by Legislative Council
01/16/2009

Bill/Resolution No.: HB 1437

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Bill amends licensing provisions for licensed nursing home administrators. No fiscal impact because board expenditures are not appropriated.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

No fiscal impact because board expenditures are not appropriated.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

N/A

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

N/A

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

N/A

Name:	Beverly Herman	Agency:	ND Board of Examiners for Nursing Home Administrators
Phone Number:	701-222-4867	Date Prepared:	01/16/2009

Date: 2-3-09

Roll Call Vote #:

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1437

House HUMAN SERVICES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ Amended

Motion Made By Rep. Conrad Seconded By Rep. Uglem

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN ROBIN WEISZ	✓		REP. TOM CONKLIN	✓	
VICE-CHAIR VONNIE PIETSCH	✓		REP. KARI L CONRAD	✓	
REP. CHUCK DAMSCHEN	✓		REP. RICHARD HOLMAN	✓	
REP. ROBERT FRANTSVOG	✓		REP. ROBERT KILICHOWSKI	✓	
REP. CURT HOFSTAD	✓		REP. LOUISE POTTER	✓	
REP. MICHAEL R. NATHE	✓				
REP. TODD PORTER	✓				
REP. GERRY UGLEM	✓				

Total (Yes) 13 No 0

Absent 0

Bill Carrier Rep Potter

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
February 4, 2009 9:06 a.m.

Module No: HR-21-1583
Carrier: Potter
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1437: Human Services Committee (Rep. Welsz, Chairman) recommends DO PASS
(13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1437 was placed on the
Eleventh order on the calendar.

2009 SENATE HUMAN SERVICES

HB 1437

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1437

Senate Human Services Committee

☐ Check here for Conference Committee

Hearing Date: 2/25/09

Recorder Job Number: 9702, 9704

Committee Clerk Signature

Mary K Monson

Minutes:

Senator J. Lee opened the hearing on HB 1437 relating to criminal history record checks of nursing home administrators and licensing of nursing home administrators.

Rep. Gary Kreidt (District 33) introduced HB 1437 and explained that it has been a while since this section of the law has been reviewed. The board reviewed it and came up with some changes. This bill would not change any of the qualifications for licensure, any of the educational requirements or continuing education needed to maintain the license. They are looking at some time in the future possibly raising the annual license fee if needed.

This bill does address the issue of licensed administrators returning to ND after working in other states. Another area addressed is that the board may require an applicant for licensure to have a background check.

Senator J. Lee asked if someone is coming from out of state and wants to be an administrator in ND does he have to have met the out of state requirements or the ND requirements for continuing education.

Rep. Kreidt said if they have kept them up in other states they just pick up where they come in but if they have lapsed they have to be brought up to date in ND to receive their license.

Senator Dever asked if there was some basis for the background check being optional.

Rep. Kreidt replied that during the application process if the board was aware of the individual and his background they probably would not require one but if there are flags that come they probably would and it would be at the expense of the applicant.

Bev Herman (Executive Secretary of the ND Board of Examiners for Nursing Home Administrators) testified in support of HB 1437. Attachment #1

Senator Heckaman asked for explanation of licensure activity and licensed administrators.

Ms. Herman explained that the licensure activity is the number of licenses they provide per year of the applications that come into the state. The actual number is the number of licensed administrators in the state of ND. There are 144 licensed nursing home administrators that are eligible to work in a nursing facility.

Senator J. Lee was concerned that background checks were only considered an option and not a requirement.

Ms. Herman explained they had discussed that but decided that was the responsibility of the board of the facility who hires the administrators.

Discussion continued on doing background checks and when the Board of Examiners does them.

Senator Dever asked if they would have a problem if it was made mandatory.

Ms. Herman said they wouldn't.

Senator Marcellais asked if any administrators leave the state of ND but still keep their licenses up.

Ms. Herman – yes.

Senator Marcellais asked if the administrators are required to carry bonding with their license.

Ms. Herman – no.

Senator J. Lee asked if they carry professional liability insurance.

Ms. Herman – yes.

Senator Marcellais asked about mandatory drug testing.

Ms. Herman thought that would be the responsibility of the facility however, if there was a complaint issued concerning this it would give the board the right to do an investigation.

Senator J. Lee said she had a problem with having the fees in the law.

Ms. Herman said it was her understanding they had to have it in law.

There was no opposing or neutral testimony.

The hearing on HB 1437 was closed.

Job #9704

Senator J. Lee opened committee work on HB 1437.

Discussion on what to change if they wanted to make background checks mandatory for new licenses.

The intern was asked to draw up an amendment calling for background checks for new applicants not for renewals.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1437

Senate Human Services Committee

☐ Check here for Conference Committee

Hearing Date: 3/2/09

Recorder Job Number: 9995

Committee Clerk Signature

Mary K. Monson

Minutes:

Senator J. Lee opened HB 1437 for committee work.

The amendment requested by the committee to make background checks mandatory was reviewed and found agreeable by all members present. Attachment #2

Senator Erbele moved to accept the amendments.

Second by **Senator Heckaman**.

Roll call vote 5-0-1. **Amendment adopted.**

Senator Erbele moved a **Do Pass as Amended**.

Second by **Senator Heckaman**.

Roll call vote 5-0-1. **Motion carried.**

Carrier is Senator Erbele.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1437

Senate Human Services Committee

☐ Check here for Conference Committee

Hearing Date: 3/09/09

Recorder Job Number: 10512

Committee Clerk Signature

Mary K Monson

Minutes:

Senator J. Lee explained that HB 1437 had been pulled off the floor because there was a problem with the way it is worded.

Bev Herman (Executive Director, Board of Nursing) brought language that would meet what the committee wanted it to do. (Attachment #3) She explained that new applicant was left in the first part that was changed with the amended bill. Part of their original intent was that if they had any licensees that needed a criminal history record check because of an investigation they would need to have the language in there somehow. It was necessary to have both applicants for licensure and "or licensees" under Chapter 43-34. The exception is that they would do it on licensees only based on need. (Meter 01:55)

Senator Dever asked if they have had an occasion with licensees to do an investigation where a criminal history check would have made a difference.

Ms. Herman – yes it would have. (Meter 04:05)

Senator Dever then asked if it was their feeling that they cannot do a check without it being in law.

Ms. Herman – right.

Senator Heckaman moved to reconsider action on HB 1437.

Second by **Senator Erbele**. **Motion carried on a voice vote.**

(Meter 07:30) Discussion continued on clarification of the amendments and the wording changes that would be needed. They were dealing with the amended bill at this point.

Action was put on hold until the intern was able to draft the correct wording for the committee to consider.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1437

Senate Human Services Committee

☐ Check here for Conference Committee

Hearing Date: 3/17/09

Recorder Job Number: 11145

Committee Clerk Signature

Mary K. Monson

Minutes:

Senator J. Lee opened HB 1437 for committee action.

The proposed amendment dated 3/17/09 was reviewed. This is what their intention had been.

Senator Heckaman moved to adopt the amendment.

Second by **Senator Dever**.

Roll call vote 6-0-0. **Amendment adopted.**

Senator Erbele moved a **Do Pass as Amended**.

Second by **Senator Heckaman**.

Roll call vote 6-0-0. **Motion carried.**

Carrier is Senator Erbele.

JB
3/3/9

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1437

Page 1, line 9, after the second "for" insert "new"

Page 1, line 10, remove "or licensees" and replace "except that criminal history record" with
an underscored period

Page 1, remove line 11

Page 3, line 15, replace "may" with "shall"

Renumber accordingly

Date: 3-2-09

Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. HB 1437

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☐ Do Pass ☐ Do Not Pass ☐ Amended ☐ Rerefer to Appropriations
☒ Adopt Amendment ☐ Reconsider

Motion Made By Sen. Erbele Seconded By Sen. Heckaman

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee, Chairman	✓		Senator Joan Heckaman	✓	
Senator Robert Erbele, V.Chair	✓		Senator Richard Marcellais		
Senator Dick Dever	✓		Senator Jim Pomeroy	✓	

Total (Yes) 5 No 0

Absent 1

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 3-2-09

Roll Call Vote #: 2

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. HB 1437

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 90719.0201 Title .0300

Action Taken ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Rerefer to Appropriations
☐ Adopt Amendment ☐ Reconsider

Motion Made By Sen. Erbele Seconded By Sen. Heckaman

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee, Chairman	✓		Senator Joan Heckaman	✓	
Senator Robert Erbele, V.Chair	✓		Senator Richard Marcellais		
Senator Dick Dever	✓		Senator Jim Pomeroy	✓	

Total (Yes) 5 No 0

Absent 1

Floor Assignment Senator Erbele

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1437: Human Services Committee (Sen. J. Lee, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1437 was placed on the Sixth order on the calendar.

Page 1, line 9, after the second "for" insert "new"

Page 1, line 10, remove "or licensees" and replace "except that criminal history record" with an underscored period

Page 1, remove line 11

Page 3, line 15, replace "may" with "shall"

Renumber accordingly

AB
3/19/09

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1437

In lieu of the amendments as printed on page 677 of the Senate Journal, House Bill No. 1437 is amended as follows:

Page 1, line 11, after "checks" insert "for licensees"

Page 3, line 15, replace "may" with "shall"

Page 3, line 16, remove "or a licensee"

Page 3, line 17, after the underscored period insert "The board may require any licensee to submit to a statewide and nationwide criminal history check."

Renumber accordingly

Date: 3/17/09

Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. HB 1437

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 3/17/09

Action Taken ☐ Do Pass ☐ Do Not Pass ☐ Amended ☐ Rerefer to Appropriations
☒ Adopt Amendment ☐ Reconsider

Motion Made By Sen. Heckaman Seconded By Sen. Dever

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee, Chairman	✓		Senator Joan Heckaman	✓	
Senator Robert Erbele, V.Chair	✓		Senator Richard Marcellais	✓	
Senator Dick Dever	✓		Senator Jim Pomeroy	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 3/17/09

Roll Call Vote #: 2

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. H.B. 1437

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 90719.0202 Title .0400

Action Taken ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Rerefer to Appropriations
☐ Adopt Amendment ☐ Reconsider

Motion Made By Sen. Erbele Seconded By Sen. Heckaman

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee, Chairman	✓		Senator Joan Heckaman	✓	
Senator Robert Erbele, V.Chair	✓		Senator Richard Marcellais	✓	
Senator Dick Dever	✓		Senator Jim Pomeroy	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Erbele

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1437: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1437 was placed on the Sixth order on the calendar.

In lieu of the amendments as printed on page 677 of the Senate Journal, House Bill No. 1437 is amended as follows:

Page 1, line 11, after "checks" insert "for licensees"

Page 3, line 15, replace "may" with "shall"

Page 3, line 16, remove "or a licensee"

Page 3, line 17, after the underscored period insert "The board may require any licensee to submit to a statewide and nationwide criminal history check."

Renumber accordingly

2009 HOUSE HUMAN SERVICES

CONFERENCE COMMITTEE

HB 1437

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1437

House Human Services Committee

☒ Check here for Conference Committee

Hearing Date: April 17, 2009

Recorder Job Number: 11953

Committee Clerk Signature

Vicky Crabtree

Minutes:

Chairman Uglen: We will call the conference committee meeting to order on HB 1437 and if the Senate would explain their amendments.

Sen. Erbele: The good old "may shall language". We added they shall have a criminal background check. This day and age it seems to be done in just about every agency occupation and there is a need to do that. The last portion is, it is up to the board's discretion if there be a cause that they could request that of any nursing home administrator or any licensee. The first time they shall and then if there is a need for more they can.

Rep. Potter: With the first time ones, they would probably want to do that. Do we really need the shall?

Sen. J. Lee: The daycare providers have to do it and supported by the board who licenses administrators of health. Better to be safe than sorry.

Chairman Uglen: My impression is that this may only be about 10 a year. That is not really the responsibility of the licensing board. It would be the responsibility of the board who is hiring the administrator.

Rep. Frantsvog: I question this, if you look at Section 6, line 7 (reads that part of bill). Go to Section 7 (reads from bill) In Section 6 it says they "may" and in Section 7 they say, "shall". It is not consistent.

Sen. J. Lee: We didn't see that as a conflict. That indicates if the board feels the criteria for licensing in an adjoining state for example, would be equal to or more stringent than what we have here. They would not be required to do anything different. I might have the education and license, but be a rotten person. The background check is important. The licensing board can consider that a background check done by a potential employer is adequate.

Rep. Frantsvog: What is written in Section 7 is, "they shall require an applicant to have a background check, but in Section 6 where it says, "may" is not inconsistent. Is that what you are saying.

Sen. J. Lee: In Section 6 it is talking about the license and in Section 7 it is talking about background checks.

Sen. Frantsvog: So it is your interpretation that if someone comes in and applies for a license under Section 6 they would have to identify if they did or did not have a background check, is that correct?

Sen. J. Lee: No. They are separate.

Sen. Erbele: I speak frankly, so maybe I can explain. Section 6 is just for a license. If looking at licensing requirements of Minnesota to see if compatible with ND and that is all that deals with. But, if it is a first time licensure in ND it would still have to be a criminal background check, but his qualifications as an administrator would be accepted.

Rep. Uglem: We are not concerned about the other amendments,; just the "may and shall".

Sen. Pomeroy: The Board of Examiners recommended it be this way.

Rep. Potter: My concern was we keep making these massive background checks. I won't fall on my sword for 10-15 more background checks.

Rep. Frantsvog: I'm not convinced that under Section 6 it couldn't be the other way, but you all seem to think that it does and I'll accept that.

Rep. Frantsvog: Motion that House Accede to the Senate Amendments.

Rep. Potter: Second.

Roll Call Vote: 6 yes, 0 no, 0 absent.

MOTION CARRIED.

BILL CARRIER: Rep. Uglen

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number 1437 (, as (re)engrossed):

Date: 4-17-09

Your Conference Committee HUMAN SERVICES

For the Senate:

For the House:

Attend		YES	NO		YES	NO	Attend
✓	Sen. ERBELE	✓		Rep. Uglem	✓		✓
✓	Sen. J. Lee	✓		Rep. Frantsvog	✓		✓
✓	Sen. Harrell ^{Pomeroy}	✓		Rep. Potter	✓		✓

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) 1064 - _____

_____, and place _____ on the Seventh order.

_____, adopt (further) amendments as follows, and place _____ on the Seventh order:

_____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: 4-17-09

CARRIER: Rep. Uglem

LC NO. _____	of amendment
LC NO. _____	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: Rep. Frantsvog

SECONDED BY: Rep. POTTER

YOTE COUNT 6 YES 0 NO 0 ABSENT

REPORT OF CONFERENCE COMMITTEE

HB 1437: Your conference committee (Sens. Erbele, J. Lee, Pomeroy and Reps. Uglem, Frantsvog, Potter) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1064 and place HB 1437 on the Seventh order.

HB 1437 was placed on the Seventh order of business on the calendar.

2009 TESTIMONY

HB 1437

#1

Testimony on HB 1437
House Human Services Committee
January 26, 2009

Good Morning Chairman Weisz and members of the House Human Services Committee. My name is Shelly Peterson and for this testimony I'm representing the North Dakota Board of Examiners for Nursing Home Administrators. The North Dakota Long Term Care Association is under contract with this state board to carry out their day-to-day functions. This task is normally handled by Beverly Herman of my staff, however Bev is on medical leave until next month, thus I am here today to testify on behalf of the North Dakota Board of Examiners for Nursing Home Administrators.

Let me share with you what HB 1437 is proposing to do:

Section 1 proposes to include the state board of examiners for nursing home administrators in subsection 2 of section 12-60-24 of the North Dakota Century Code. Thus if the board feels a criminal history record check needs to be done on an individual applying for licensure one can be done. The intent is not to do a criminal history record check on all new applicants – it is needed as a safe guard.

Section 2. Amendment to 43-34-02. Currently, the century code lists that two members of the board must be the state health officer and the executive director of the department of human services. We would like to add or the members designees. The State Health Officer and the executive director of the department of human services have found it difficult to attend the board meetings and have sent a representative from their office. Since it is better to have a person attend regularly from these offices, we would like this language included. This would provide those designees the right to vote on issues and would also provide consistency in attendance.

43-34-03. Qualifications for licensure. We are proposing to eliminate outdated language that no longer applies to current standards. We are eliminating the language in statute and referring to qualification criteria for licensure by rule. The administrative rules have additional requirements that deal with current best practices that are not included in century code.

43-34-04. Licensure fees. The board currently is at the maximum fee allowed in century code for license fees. The only source of revenue for the board is through applications for licensure and licensure fees. They do not receive state appropriations. We are proposing an increase in fee's of up to \$250 per year. This does not mean they plan on raising licensure fees to that amount, but in order to have periodic increases we have proposed a maximum. I have attached, for your information, data reflecting licensure activity in North Dakota over the past five years as well licensure fees that have been assessed. The main reason for increasing licensure fees, is to have sufficient revenue should investigations increase.

43-34-11. Emergency licenses. We are proposing to better describe what constitutes the need for an emergency license. Current language does not accurately reflect what an unexpected removal of a licensee is. The new language provides the board with better criteria for issuing an emergency license. All nursing facilities are required by federal and state regulations to have a licensed nursing home administrator in charge of the facility.

43-34-12. Changes the language from Reciprocity with other states to Licensure of individuals licensed in other jurisdictions. There is confusion with reciprocity and endorsement, and this seeks to clarify both.

Section 7. Criminal History Record Checks. Adding this provision allows the board to request a criminal history record check if they feel it is necessary. Possible reasons for requesting a criminal history record check on an application for licensure would be if the applicant indicated on the application form, a previous criminal offense had occurred. Or, if a complaint regarding a licensed administrator is submitted and an investigation is needed, the board may want to request a criminal history record check be completed. The intent is not to require criminal history record checks on all applicants or license renewals.

Thank you for your considering of HB 1433. I would be happy to answer any questions you may have.

Shelly Peterson, President
North Dakota Long Term Care Association
1900 North 11th Street • Bismarck, ND 58501
(701) 222-0660 • www.ndltca.org • E-mail: shelly@ndltca.org

Licensure Fee Information:

1992 – Annual Licensure Fee: \$50.00

1993 – 2003 – Annual Licensure Fee: \$100.00

2004 – 2005 – Annual Licensure Fee: \$125.00

2006 – Current: Annual Licensure Fee: \$150.00

Licensed Administrators in North Dakota:

2009: 141 Licensed Administrators

2008: 153 Licensed Administrators

2007: 157 Licensed Administrators

2006: 142 Licensed Administrators

2005: 151 Licensed Administrators

Licensure Activity:

2008: 12 licenses were issued

2007: 8 licenses were issued

2006: 12 licenses were issued

2005: 8 licenses were issued

2004: 10 licenses were issued

Average Age Licensees 2008:

Men and Women: 51.7 years old

Men: 52.9 years old

Women: 50.1 years old

Testimony on HB 1437
Senate Human Services Committee
February 25, 2009

Good Morning Chairman Lee and members of the Senate Human Services Committee. My name is Bev Herman, Executive Secretary of the North Dakota Board of Examiners for Nursing Home Administrators. I am here today to provide you with information on what HB 1437 is proposing to do:

Section 1 proposes to include the state board of examiners for nursing home administrators in subsection 2 of section 12-60-24 of the North Dakota Century Code. Thus if the board feels a criminal history record check needs to be done on an individual applying for licensure one can be done. The intent is not to do a criminal history record check on all new applicants – it is needed as a safe guard.

Section 2. Amendment to 43-34-02. Currently, the century code lists that two members of the board must be the state health officer and the executive director of the department of human services. We would like to add “or the members designees”. The State Health Officer and the executive director of the department of human services have found it difficult to attend the board meetings and have sent a representative from their office. Since it is better to have a person attend regularly from these offices, we would like this language included. This would provide those designees the right to vote on issues and would also provide consistency in attendance.

43-34-03. Qualifications for licensure. We are proposing to eliminate outdated language that no longer applies to current standards. We are eliminating the language in statute and referring to qualification criteria for licensure by rule. The administrative rules have additional requirements that deal with current best practices that are not included in century code.

- 43-34-04. Licensure fees. The board currently is at the maximum fee allowed in century code for license fees. The only source of revenue for the board is through applications for licensure and licensure fees. Our Board does not receive state appropriations. We are proposing an increase in fee's of up to \$250 per year. This does not mean we plan on raising licensure fees to that amount, but in order to have periodic increases we have proposed a maximum. I have attached, for your information, data reflecting licensure activity in North Dakota over the past five years as well licensure fees that have been assessed. I also have brought a financial statement in case you are interested in reviewing this information. The main reason our Board may consider increasing licensure fees, is to have sufficient revenue should investigations increase.
- 43-34-11. Emergency licenses. We are proposing to better describe what constitutes the need for an emergency license. Current language does not accurately reflect what an unexpected removal of a licensee is. The new language provides the board with better criteria for issuing an emergency license. All nursing facilities are required by federal and state regulations to have a licensed nursing home administrator in charge of the facility.
- 43-34-12. Changes the language from Reciprocity with other states to Licensure of individuals licensed in other jurisdictions. There is confusion with reciprocity and endorsement, and this seeks to clarify both.

Section 7. Criminal History Record Checks. Adding this provision allows the board to request a criminal history record check if they feel it is necessary. Possible reasons for requesting a criminal history record check on an application for licensure would be if the applicant indicated on the application form, a previous criminal offense had occurred. Or, if a complaint regarding a licensed administrator is submitted and an investigation is needed, the board may want to request a criminal history record check be completed. The intent is not to require criminal history record checks on all applicants or license renewals.

Thank you for your considering of HB ¹⁴³⁷~~1433~~. I would be happy to answer any questions you may have.

Bev Herman, Executive Secretary
North Dakota Board of Examiners for Nursing Home Administrators
1900 North 11th Street • Bismarck, ND 58501
(701) 222-4867 • www.ndnha.org • E-mail: bev@ndltca.org

Licensure Fee Information:

1992 – Annual Licensure Fee: \$50.00
1993 – 2003 – Annual Licensure Fee: \$100.00
2004 – 2005 – Annual Licensure Fee: \$125.00
2006 – Current: Annual Licensure Fee: \$150.00

Licensed Administrators in North Dakota:

2009: 144 Licensed Administrators
2008: 153 Licensed Administrators
2007: 157 Licensed Administrators
2006: 142 Licensed Administrators
2005: 151 Licensed Administrators

Licensure Activity:

2008: 12 licenses were issued
2007: 8 licenses were issued
2006: 12 licenses were issued
2005: 8 licenses were issued
2004: 10 licenses were issued

Average Age Licensees 2008:

Men and Women: 51.7 years old
Men: 52.9 years old
Women: 50.1 years old

3/2/09

#2

PROPOSED AMENDMENTS TO HB 1437

Page 1, line 9, after "for" insert "new"

Page 1, line 10, remove "or licensees" and replace ", except that criminal history record" with a period

Page 1, remove line 11

Page 3, line 15, replace "may" with "shall"

Renumber accordingly

Amendments to HB 1437:

Section 1. A new subdivision to subsection 2 of section 12-60-24 of the North Dakota Century Code is created and enacted as follows:

The state board of examiners for nursing home administrators for applicants for licensure or licensees under chapter 43-34, except that criminal history record checks for licensees need not be made unless required by the board.

Section 7:

Criminal history record checks. The board shall require each applicant for licensure under sections 43-34-03, 43-34-11, or 43-34-12 to submit to a statewide and national criminal history record check. The board may require any licensee to submit to a statewide and nationwide criminal history record check. The nationwide criminal history record check must be conducted in the manner provided in section 12-60-24. All costs associated with obtaining a background check are the responsibility of the applicant.

Section 1: by adding "*except that criminal history record checks for licensees need not be made unless required by the board*" This would give our board the authority to also conduct criminal history record checks on persons already licensed.

Section 7: By adding the highlighted areas, gives our board the authority to conduct a statewide and nationwide CHRC. The first line says shall require each applicant for licensure. The highlighted language states our board may conduct CHRC is needed for persons already licensed.

3/17/09

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1437

In lieu of the amendments as printed on page 677 of the Senate Journal, House Bill No. 1437 is amended as follows:

Page 1, line 11, after "checks" insert "for licensees"

Page 3, line 15, replace "may" with "shall"

Page 3, line 16, remove "or a licensee"

Page 3, line 17, after the first period insert "The board may require any licensee to submit to a statewide and nationwide criminal history check."

Renumber accordingly